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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
09 AT SEATTLE

10 UNITED STATES OF AMERICA,) CASE NO.: 05-337M
11)
12 Plaintiff,)
13)
14 v.) DETENTION ORDER
15 SARBJIT SINGH VIRK,)
16)
17 Defendant.)
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20)
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22)

23 Offense charged:

24 Conspiracy to Distribute Ecstacy; Distribution of Ecstacy

25 Date of Detention Hearing: July 7, 2005

26 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
27 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
28 that no condition or combination of conditions which defendant can meet will reasonably assure
29 the appearance of defendant as required and the safety of other persons and the community.

30 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

31 (1) The defendant is charged with conspiring and distributing MDMA (“ecstacy”),
32 together with co-defendants.

33 (2) The defendant is a Canadian citizen with some relatives residing in India. An
34 immigration detainer has been lodged. He is reported to have lived in Mexico for one year

01 before living in the United States illegally until moving to Canada in 1996, although the
02 defendant contends that he was in Mexico only for four to five days during a layover in the
03 course of a flight from India. He is married and resides with his pregnant wife and daughter in
04 Canada. He reports self-employment as a cabinet maker for the last three years, and employment
05 as a cabinet maker prior to that. He states that he does not remember where he worked before
06 1997, although he proffers the explanation that he was self-employed, and does not recall the
07 specific names of those for whom he performed services at that time. There is some discrepancy
08 in the identification of assets by him and by his wife. He proffers the explanation that his wife
09 is not English speaking and he handles their financial matters.

10 (3) An immigration detainer has been lodged.

11 (4) Statements made by co-defendants to the case agent alleged that this defendant
12 had threatened one of the co-defendants and his family in the past, and that he had assisted Mr.
13 Virk in other drug transactions in the past. Another co-defendant contended that Mr. Virk was
14 the kingpin of a large drug trafficking organization in Canada.

15 (5) The defendant poses a risk of nonappearance based on Canadian citizenship and
16 immigration detainer. He poses a risk of danger based on the nature of the charges and the
17 degree of his involvement, and alleged threatening statements.

18 (6) There does not appear to be any condition or combination of conditions that will
19 reasonably assure the defendant's appearance at future Court hearings while addressing the
20 danger to other persons or the community.

21 It is therefore ORDERED:

22 (1) Defendant shall be detained pending trial and committed to the custody of the
23 Attorney General for confinement in a correction facility separate, to the extent
24 practicable, from persons awaiting or serving sentences or being held in custody
25 pending appeal;

- 01 (2) Defendant shall be afforded reasonable opportunity for private consultation with
02 counsel;
- 03 (3) On order of a court of the United States or on request of an attorney for the
04 Government, the person in charge of the corrections facility in which defendant
05 is confined shall deliver the defendant to a United States Marshal for the purpose
06 of an appearance in connection with a court proceeding; and
- 07 (4) The clerk shall direct copies of this Order to counsel for the United States, to
08 counsel for the defendant, to the United States Marshal, and to the United States
09 Pretrial Services Officer.

10 DATED this 8th day of July, 2005.

11
12 /s/ MARY ALICE THEILER
13 United States Magistrate Judge